



Date of Council Meeting: November 29, 2016

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING**

Subject: Rezoning Application TLZM-2013-0006, Crescent Parke

Staff Contact: Michael Watkins, Assistant Zoning Administrator, Department of Planning and Zoning

Council Action Requested: Decision by Council is needed to approve the rezoning application TLZM-2013-0006, Crescent Parke.

Staff Recommendation: Changes to the application have resulted in missing or incomplete Crescent District zoning information. At this time, staff cannot recommend approval of the rezoning application TLZM-2013-0006, Crescent Parke.

Commission Recommendation: On April 21, 2016, a motion to approve the application failed on a 2-4-1 vote; one commissioner was absent. The failed motion resulted in a recommendation of denial.

Fiscal Impact: No additional information from the Applicant has been provided regarding the project's fiscal impact.

Work Plan Impact: This application is part of the core function of Department of Planning and Zoning and fits within the work plan. Staff will need to review and approve additional site development applications prior to construction of the site, which is already anticipated in the Town's work plan as well.

Executive Summary: On September 27, 2016 the Town Council rescinded their July 26, 2016 action regarding Crescent Parke. The Applicant has made changes to the Concept Plan and Proffer Statement which is briefly outlined below and further discussed in this staff memo. Staff notes that on November 23, 2016 we received an updated Proffer Statement with exhibits. This report was based on the November 14, 2016 proffers. On November 23, 2016, staff received revised proffer and they are included in the packet. Supplemental analysis will be provided at the public hearing.

Changes made by the Applicant

- Removal of the 2.3 acre Izaak Walton Property from the application
- Revised Frontage Calculation
- Alternate MU Buildings Layout
- Revised CD-RH Layout
- Alternate Olde Izaak Walton Park Access

Unresolved Issues

- MU Building Landscaping and Parking
- Revised Notes on the Concept Plan
- Missing Building Elevations
- Revisions to Amenity Areas
- Intersection Separation

Background: Staff has attached the July 26, 2016 staff report regarding land use and zoning analysis because previous staff comments on those issues remain unchanged. However, staff does provide additional comments below based on the changes to the Concept Plan and Proffers.

A. Concept Plan Changes and Comments:

- Limits of the application: The Applicant has eliminated the 2.3 acre portion of the Olde Izaak Walton Park Property (OIWP). Figure 1 illustrates the removal of 14 town houses and 18 stacked town houses.

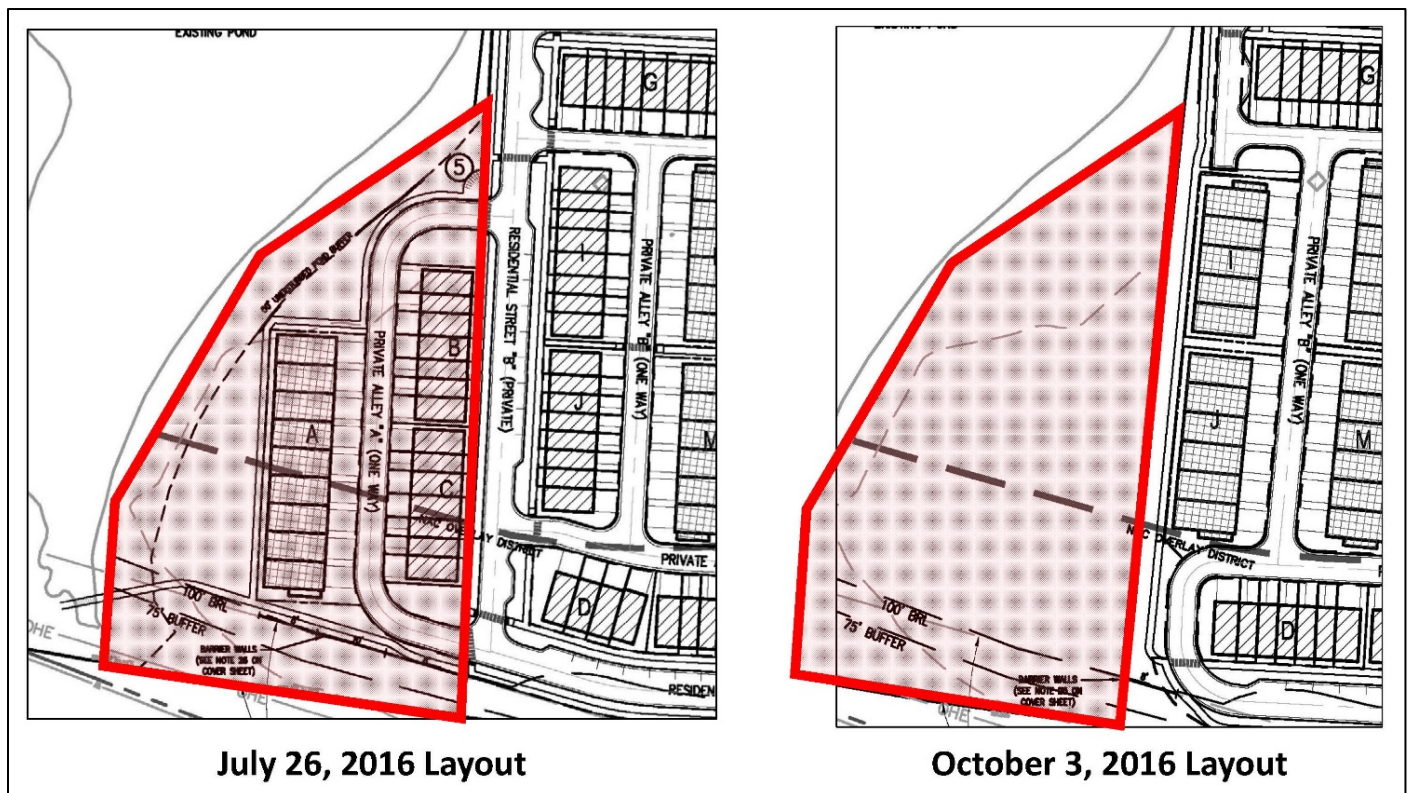


Figure 1. Park Property

- Frontage Calculation: The Concept Plan was revised to provide the necessary building frontage along Davis Court. As part of this revision, the entrance to

Buildings C2 thru C4 was relocated further west providing a more logical connection to the adjacent property. A modification of the frontage requirement is requested to reduce the required 66% to no less than 50%. Tabulations on Sheet 2B demonstrate that at least 50% of the street frontage is occupied by buildings. The frontage reduction is approvable if Council finds that the resulting open space complements the overall design of the project. The open spaces are designed to include landscaping areas, hardscape (seat walls), and opportunities for public art.

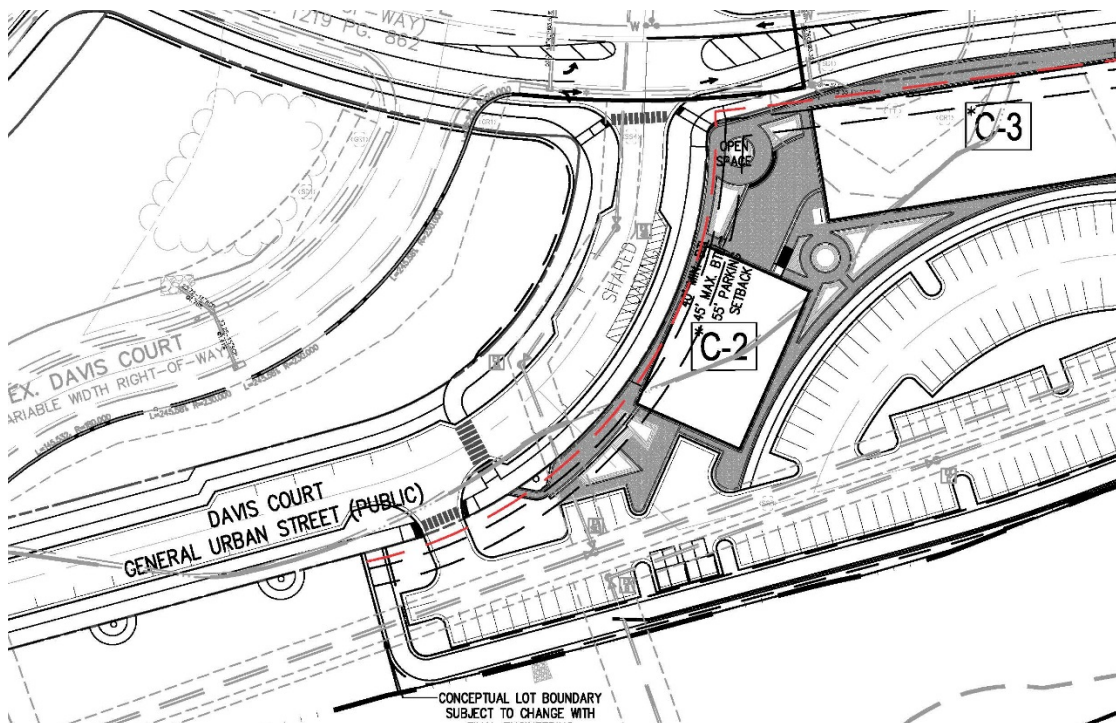


Figure 2. Revised C2-4 Building Layout

Analysis: Staff does not object to the approval of the zoning modification. Design recommendations are included in subsequent comments.

- iii. Alternate MU Buildings, Layout: The Applicant was previously notified that alternative layouts are recommended; however, sufficient information should be provided to detail conformance with zoning requirements and intended design. The area behind Buildings MU1 thru MU4 includes an alternative layout for two additional buildings. The application has NOT included a landscaping plan for the alternative layout.

Analysis: The application should be revised to provide a landscaping plan. If Council wishes to approve this application, staff recommends that an additional proffer be provided to require the Applicant to work with staff to provide an appropriate landscaping plan for the alternative

layout. The proffer should include language that prohibits the submission of any site plan until such time as the additional landscaping plan is approved by staff. Staff will draft language for the Applicant and Council to consider at the public hearing.

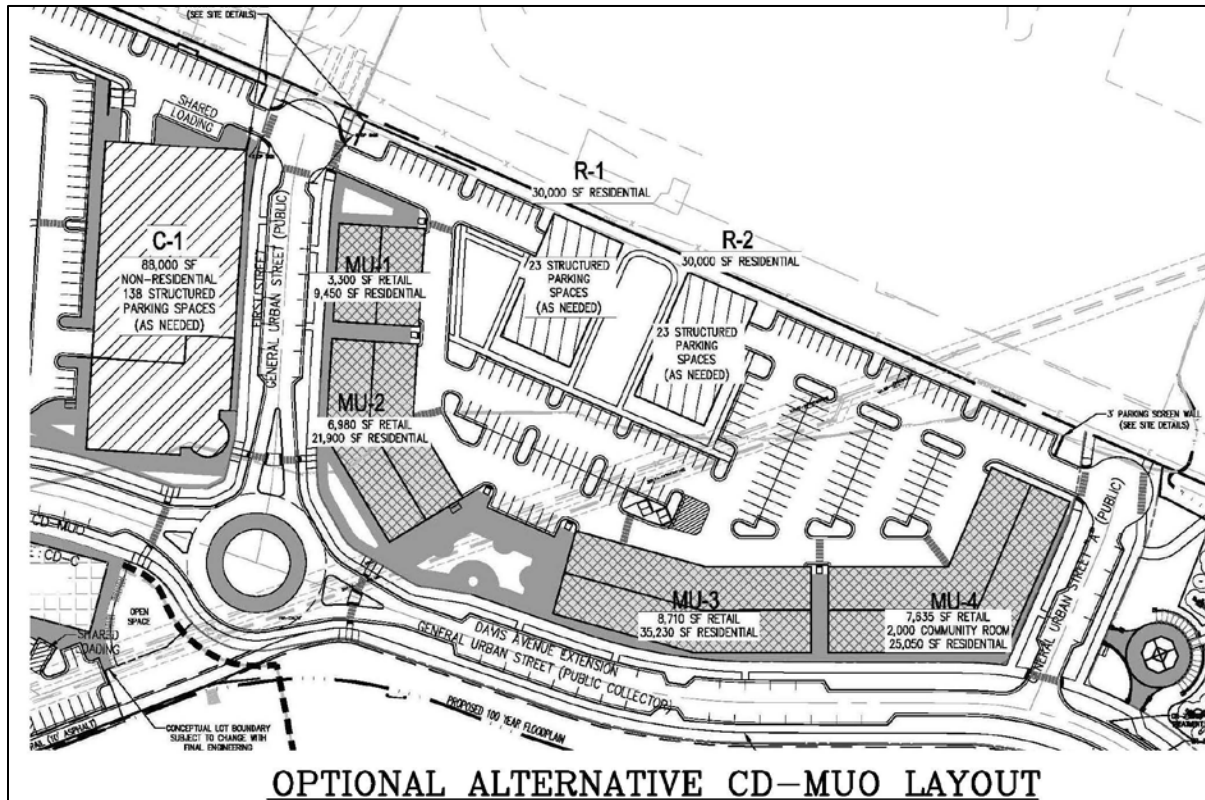


Figure 3. MU Building Layout

- iv. Alternate MU Buildings, Parking: The area behind Buildings MU1 thru MU4 includes an alternative layout for two additional buildings. These buildings occupy an area that provided surface parking for the MU buildings. The Concept Plan has not been revised to provide a calculation of required parking that reflects the loss of the surface parking and addition of two buildings.

Analysis: The Concept Plan must be revised to provide a parking calculation that demonstrates compliance with required parking standards.

- v. Revised Residential Layout: The area adjacent to the Olde Izaak Walton Park Property was previously revised to eliminate area of the park property from the rezoning application. The removal of this part of the application resulted in changes to the layout. The revised layout effects access to Buildings G, I, J, and D, see Figure 4 below. Staff does not prefer the layout due to the

circuitous nature of the access to the referenced buildings. In addition, a Design and Construction Standards Manual modification is necessary due to the tight radii of the turns and potential constraints for emergency access. The modification has been submitted to staff and referred to the Fire Marshal's Office, but a recommendation from the Fire Marshal has not yet been received.

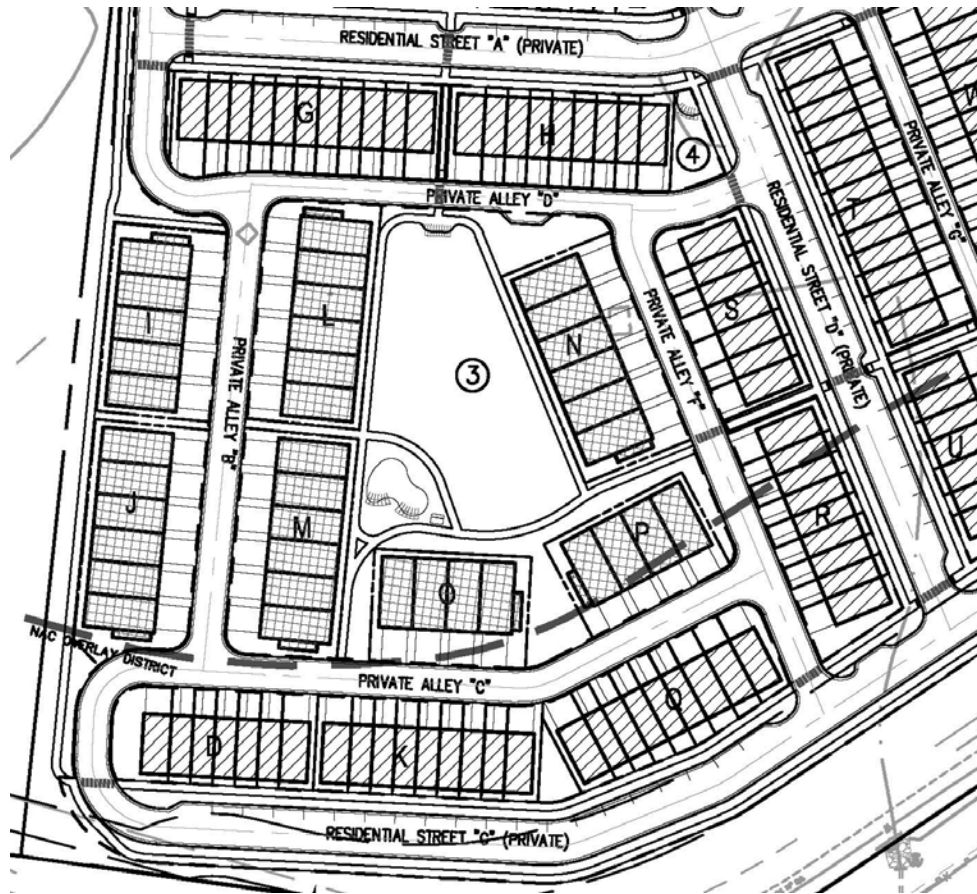


Figure 4. Revised CD-RH Layout

Analysis: The Applicant is moving forward at their own risk without feedback from the Fire Marshal's office. It would appear, based on the criteria the Fire Marshal's Office is requiring, that the Applicant has provided the necessary plan revisions for a conditional approval, subject to final engineering requirements.

- vi. Park Access: In an effort to reduce costs associated with the Davis Court bridge rehabilitation, staff introduced the idea of providing access to Olde Izaak Walton Park from the Crescent Parke Property. The existing David Court Bridge provides access; however it is old and cannot support the weight of large vehicles, particularly emergency vehicles. Replacement of the bridge

has been identified in the Town Capital Improvement Plan; however, the costs associated with replacement could exceed one-million dollars due to structural rehabilitation and relocation outside of the 100-year flood plain in addition to design floodplain analysis costs.

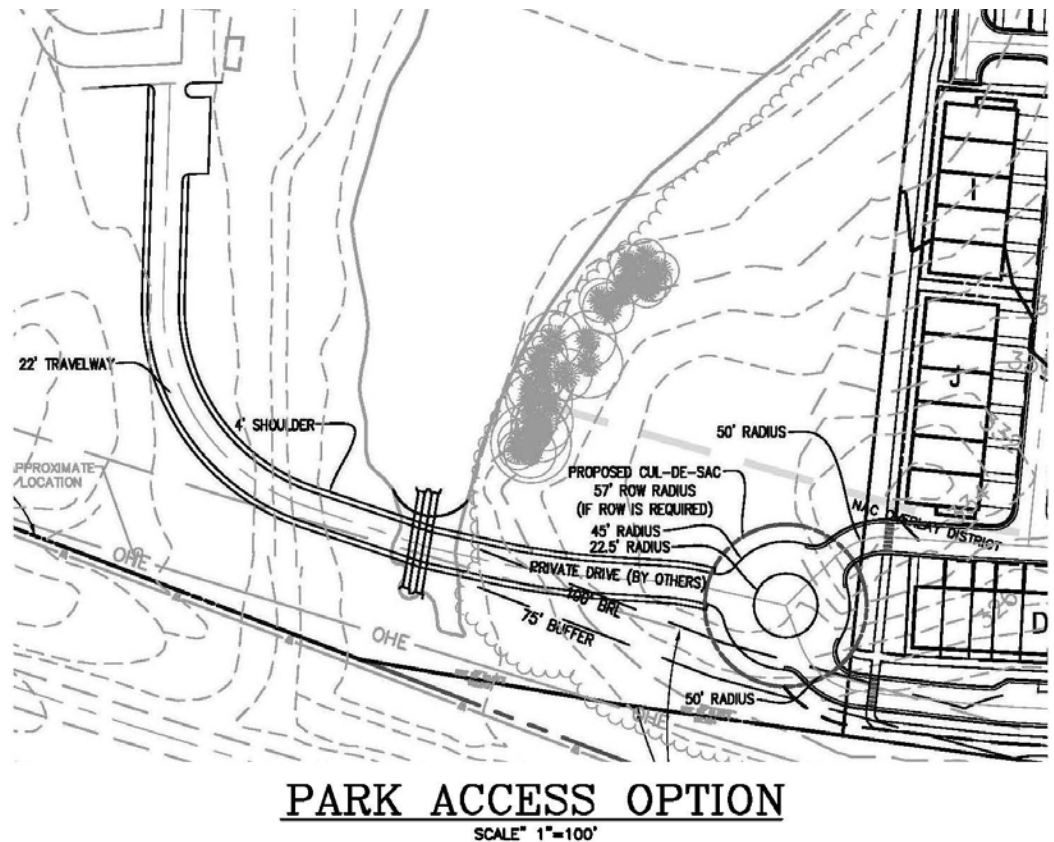


Figure 5. Alternate Park Access

The proposed access would be provided via an extension of a public road. See Figure 5. The Davis Court Bridge can remain in place as a pedestrian connection to the park. The bridge would only require minor modifications for pedestrian safety. Davis Court would then be terminated in a cul-de-sac.

Analysis: This option eliminates the need and cost associated with rehabilitating the Davis Court Bridge and provides a safer access to the Olde Izaak Walton Park Property.

- vii. Conceptual Lot Lines: The Concept Plan includes notes on Sheet 2A that reference conceptual lot lines subject to change with final engineering. The Applicant has requested a modification of the applicable building frontage requirements that will be memorialized with an approval of this application. Any significant deviation from those depicted on the Concept Plan and as

tabulated to demonstrate zoning compliance may result in a substantial conformance issue in the future.

Analysis: Applicant should note that only minor modifications due to unforeseen engineering constraints will be permitted. The Crescent District zoning standards, as modified.

- viii. Transfer of Density: A note was added to Sheet 2 of the Concept Plan that states:

Residential and commercial floor area may be transferred between buildings in the same zoning district and block so long as the total amount in each category is not exceeded for the zoning district or block.

Analysis: This note does not grant any modification of the underlying zoning requirements. The building frontage requirements must be satisfied and all buildings must be a minimum of two stories. The Applicant has not provided any conceptual architecture that illustrates this concept.

Due to its legal reliance on the Concept Plan layout and conceptual building elevations for substantial conformance at the time of zoning permit approval, staff cannot support this note and recommends its removal.

- ix. As-Built Information: Staff has learned through construction experience with our more urban projects that small deviations from site plans can cause significant issues with grading and proffered site improvements. Working with staff, the Applicant has provided a note on the Concept Plan that requires as-built information during the construction process.

Analysis: The required as-built information will ensure a timely progression from zoning permit to occupancy permit.

- x. Conceptual Building Elevations: The Applicant has provided conceptual building elevations for commercial buildings, but not for the options included in the proffers. For example:
- The elevations for Building C-1 depict a four-story building. The proffers permit Building C-1 as a two-story Building; however, no building elevations have been provided.
 - Notes on the Concept Plan permit a transfer of density between buildings which could affect building height. None of the conceptual elevations depict varying building heights.

- The application was revised to include two new Buildings R1 and R2. No conceptual building elevations have been provided.

Thus far in the Crescent District only one application has come before Council, Patriot Self Storage. Discussion of that application included recommended changes by both staff and the Council and resulted in required changes to the building elevations.

Analysis: Staff recommends that an additional proffer be included that requires Council's review of building elevations for the commercial buildings in the CD-C and CD-MOU portion of Crescent Parke prior to the approval of any site plan for those commercial buildings

- xi. Amenity Area, Retaining Walls: There are several references to retaining walls within the amenity area, some as tall as seven (7) feet.

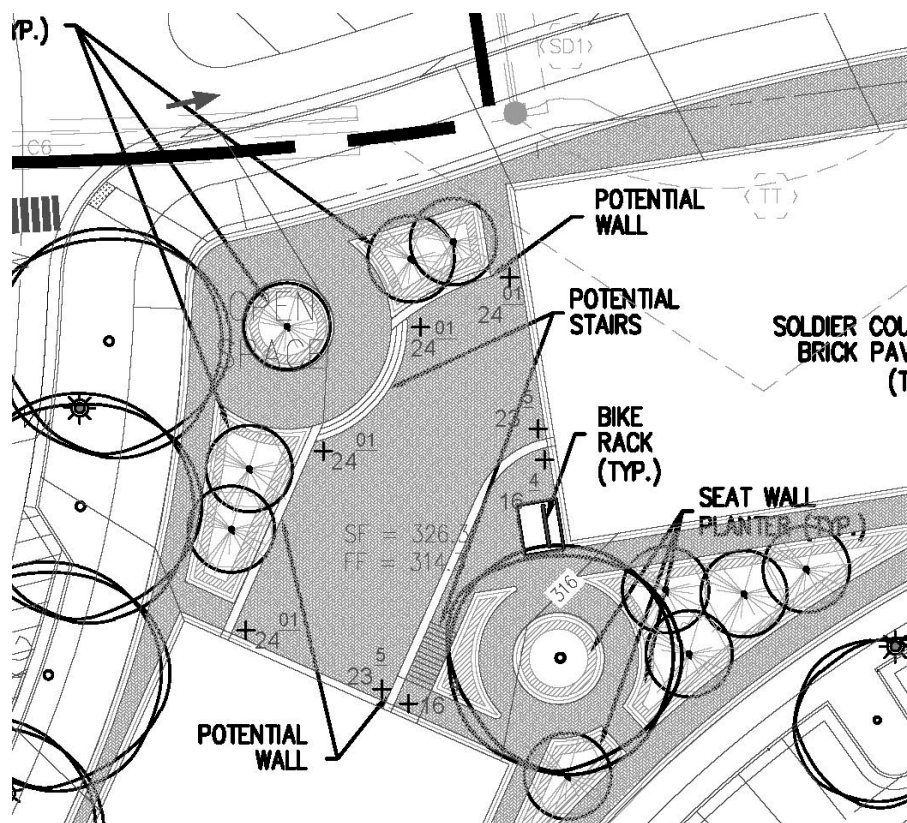


Figure 6. Amenity Area

Analysis: Staff requests a proffer be added that requires ornamentation of retaining walls to create visual interest. The proffer should specify that materials and design shall be approved by staff prior to the approval of any site plan.

Analysis: Staff recommends that the design of Pocket Park 11 include a vegetative buffer five (5) feet wide to soften the hardscaping and provide a safety measure given the height of the adjacent retaining wall.

- xii. Amenity Area, Paving Patterns: The on-site amenity areas include an extension of the brick pavers from within the Pedestrian Zone of the required Crescent District street section. In some areas, these areas are large and the distinction of private versus public property is lost.

Analysis: To add visual interest, staff recommends that a proffer be added that requires a contrast between on-site plazas and Frontage Zones from the Pedestrian Zones. The contrast shall be provided through a change in color, pattern, and/or material. Site plans shall be required to provide sufficient detail to demonstrate the desired contrast.

- xiii. Intersection Separation: An engineering issue which may affect the layout is the separation of the roundabout to Residential Street A. Residential Street A was planned to be private and the intersection separation did not apply. With the proposed access to the park, Street A becomes public and VDOT intersection separation requirements apply.

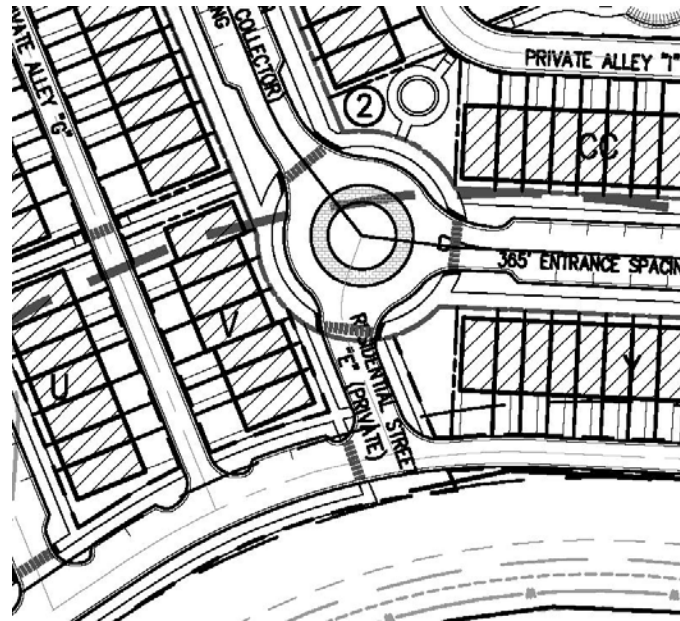


Figure 7. Roundabout

The Applicant is working on an engineering solution to be presented at the public hearing.

B. Proffer Changes and Comments:

Staff has received draft proffers dated November 14, 2016. Staff is aware of pending changes and will provide additional comments and recommendations at the November 29th public hearing. The following is an outline of the November 14th proffer revisions:

- i. Proffer 1.2.2, MU Building Alternative: This proffer permits flexibility in the allocation of residential density in the MU and R Buildings north of Davis Avenue.

Analysis: Staff supports the flexible nature of the proffer. The result is that residential densities are maintained in the mixed-use portion of the property.

- ii. Proffer 3.3 Olde Izaak Walton Park Property, Access: This proffer requires the Applicant to provide an alternate access point to the park property through Crescent Parke property, if the Town accepts dedication of the Park property.

Analysis: The alternate access provides a cost savings to the Town by providing access in lieu of having to rehabilitate the Davis Court Bridge.

Per a conversation with the Applicant, staff is anticipating proffer changes to include:

- iii. Olde Izaak Walton Park, Dedication: Two sets of revised proffers in order to eliminate potential confusion regarding required improvements and contributions and the timing of those based on acceptance of the Olde Izaak Walton Park property or not. One version will include the park dedication and one will not.
- iv. Olde Izaak Walton Park, Access: Construction of the alternate park access to the existing parking lot, as depicted on Sheet 2 of the Concept Plan, at no cost to the Town.
- v. Additional South King Street Storage Lane: An extension of the South King Street left turning lane to westbound Davis Avenue to create extra storage capacity.